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FILED

JAN 14 2016

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

11 ) CASE NO. 3:15-CR-582-WHO  
12 UNITED STATES OF AMERICA, )  
13 Plaintiff, ) STIPULATION AND  
14 v. ) [PROPOSED] PROTECTIVE ORDER  
15 ADAM SHAFI, )  
16 Defendant. )  
----- )

17 Pursuant to Federal Rule of Criminal Procedure 16(d), the United States and the defendant,  
18 through their respective undersigned counsel, hereby stipulate and agree that the Court should enter this  
19 proposed Protective Order<sup>1</sup> requiring that the following restrictions shall apply to the discovery that the  
20 United States produces and designates as "Protected Material":

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23 <sup>1</sup> In connection with the Complaint in this matter (Docket No. 1), Interim Protective Orders  
24 (Docket Nos. 8, 14) providing the same restrictions for recorded telephone conversations were entered  
25 by the Honorable Nandor Vadas on July 30, 2015, and the Honorable Laurel Beeler on November 13,  
2015. After the entry of those Interim Protective Orders, an Indictment was returned (Docket No. 15),  
and there was a substitution of counsel for the defendant (Docket No. 25). Therefore, the parties submit  
this proposed and updated Stipulation and Protective Order.

1       1. The Indictment charges the defendant with providing material support to a designated  
2 foreign terrorist organization, in violation of 18 U.S.C. § 2339B(a)(1). Docket No. 15. In connection  
3 with this Indictment, the United States is in possession of electronic surveillance (e.g., recorded  
4 telephone conversations) between and among the defendant and his associates, some of whom are still  
5 under investigation. Additionally, the United States has noticed its intent in this matter to offer into  
6 evidence or otherwise use or disclose information obtained or derived from electronic surveillance  
7 conducted pursuant to the Foreign Intelligence Surveillance Act of 1978 (FISA), as amended, 50 U.S.C.  
8 §§ 1801-1812. Docket No. 19.

9       2. Therefore, as a subset of the discovery produced in this case, the United States may  
10 designate the electronic surveillance and other related materials as Protected Material (e.g., Bates-  
11 stamped “PROTECTED MATERIAL”). Any Protected Material so designated by the United States  
12 shall be subject to the terms of this Stipulation and Protective Order.

13       3. The following individuals (the “Defense Team”) may access and examine the Protected  
14 Material under the conditions set forth herein for the sole purpose of preparing the defense and for no  
15 other purpose:  
16           a. counsel for the defendant;  
17           b. the defendant;  
18           c. persons employed by defense counsel who are assisting with the  
19 preparation of the defense;  
20           d. any expert retained on behalf of the defendant to assist in the defense of  
21 this matter; and  
22           e. any investigator retained on behalf of the defendant to assist in the defense  
23 of this matter.

24       Counsel for the defendant shall advise the individuals on the Defense Team of the requirements and the  
25 restrictions in this Stipulation and Protective Order, as well as the Court’s entry of the Protective Order.

26       4. The Defense Team shall not permit other persons access of any kind to the Protected  
27 Material and shall not share or give copies to other persons. Additionally, the Defense Team will  
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1 maintain the Protected Material in a secure location (e.g., locked drawer, cabinet, or safe) or secure  
2 electronic device (e.g., password-protected computer, memory stick). Further, the Defense Team will  
3 maintain a copy of this Stipulation and Protective Order with the Protected Material at all times.

4       5. The United States will produce one copy of the Protected Material to the Defense Team.  
5 The Defense Team will not make copies of the Protected Material unless (a) the United States provides  
6 written concurrence or (b) pursuant to further Court order. Similarly, the Defense Team shall not  
7 publicly offer, file, or lodge any Protected Material unless (a) the United States provides written  
8 concurrence, (b) pursuant to further Court order, or (c) it is done under seal.

9       6. Any willful violation of this Stipulation and Protective Order shall constitute a criminal  
10 contempt of Court for which sanctions are provided by law.

11       7. This Stipulation and Protective Order shall remain in effect until the Defense Team  
12 returns the Protected Material (and any copies) to the United States. The Defense Team shall return the  
13 Protected Material (and any copies) to the United States within 30 days of the entry of judgment on all  
14 charges, unless a direct appeal is filed, in which case the Defense Team shall complete the return to the  
15 United States within 30 days of the date when the direct appeal is finally determined.

16       8. The parties shall meet and confer regarding any disputes arising under this Stipulation  
17 and Protective Order. The parties in this case have negotiated this Stipulation and Protective Order,  
18 which does not constitute a concession or waiver by either party regarding discovery procedures  
19 generally in this case or in any other or future case.

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1 IT IS SO STIPULATED.

2 DATED: January 14, 2016



JOSHUA L. DRATEL  
Counsel for Adam Shafi

5 DATED: January 14, 2016



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ERIK B. LEVIN  
Counsel for Adam Shafi

9 BRIAN J. STRETCH  
Acting United States Attorney



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11 DATED: January 13, 2016

JEFFREY SHIH  
Assistant United States Attorney

1                   **[PROPOSED] PROTECTIVE ORDER**

2                   IT IS SO ORDERED that disclosure of the above-described materials shall be restricted pursuant  
3 to the stipulation of the parties.

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5 Dated: January 14, 2016

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HONORABLE WILLIAM H. ORRICK  
UNITED STATES DISTRICT JUDGE

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